

Chapter 174

(Senate Bill 431)

AN ACT concerning

Charles County – Tax Increment Financing and Special Taxing Districts

FOR the purpose of authorizing Charles County to use the proceeds from the issuance of certain tax increment financing bonds for certain purposes in the Waldorf Urban Redevelopment Corridor; authorizing Charles County to establish a special taxing district, impose ad valorem or special taxes, and issue bonds to provide financing, refinancing, or reimbursement for certain costs; making certain financing, refinancing, and reimbursement contingent on the review and approval of the Board of County Commissioners of Charles County; authorizing Charles County, in exercising certain authority, to establish minority business enterprise participation goals for certain development projects; and generally relating to tax increment financing and special taxing districts in Charles County.

BY repealing and reenacting, without amendments,
 Article – Economic Development
 Section 12–203(a), 12–204(a), 12–207(a), and 12–209(a)
 Annotated Code of Maryland
 (2018 Replacement Volume and 2019 Supplement)

BY adding to
 Article – Economic Development
 Section 12–207(g)
 Annotated Code of Maryland
 (2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,
 Article – Local Government
 Section 21–503(a) and 21–504(a)
 Annotated Code of Maryland
 (2013 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
 Article – Local Government
 Section 21–521
 Annotated Code of Maryland
 (2013 Volume and 2019 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 That the Laws of Maryland read as follows:

Article – Economic Development

12–203.

(a) Before issuing bonds, the governing body of the political subdivision shall:

(1) by resolution:

(i) designate a contiguous area within its jurisdiction as a development district;

(ii) identify an area that has been designated a sustainable community; or

(iii) identify an area that has been designated a RISE zone;

(2) receive from the Supervisor of Assessments a certification of the amount of the original base, or if applicable, the adjusted assessable base; and

(3) pledge that until the bonds are fully paid, or a longer period, the real property taxes in the development district, a RISE zone, or a sustainable community shall be divided as follows:

(i) the portion of the taxes that would be produced at the current tax rate on the original taxable value base shall be paid to the respective taxing authorities in the same manner as taxes on other property are paid; and

(ii) the portion of the taxes on the tax increment that normally would be paid into the general fund of the political subdivision shall be paid into the special fund established under § 12–208 of this subtitle and applied in accordance with § 12–209 of this subtitle.

12–204.

(a) Notwithstanding any limitation of law, an issuer may issue bonds from time to time to finance the development of an industrial, commercial, or residential area.

12–207.

(a) Except as provided in subsections (b) and (e) of this section, bond proceeds may be used only:

(1) to buy, lease, condemn, or otherwise acquire property, or an interest in property:

(i) in the development district, a RISE zone, or a sustainable community; or

(ii) needed for a right-of-way or other easement to or from the development district, a RISE zone, or a sustainable community;

(2) for site removal;

(3) for surveys and studies;

(4) to relocate businesses or residents;

(5) to install utilities, construct parks and playgrounds, and for other needed improvements including:

(i) roads to, from, or in the development district;

(ii) parking; and

(iii) lighting;

(6) to construct or rehabilitate buildings for a governmental purpose or use;

(7) for reserves or capitalized interest;

(8) for necessary costs to issue bonds; and

(9) to pay the principal of and interest on loans, advances, or indebtedness that a political subdivision incurs for a purpose specified in this section.

(G) IN ADDITION TO THE PURPOSES LISTED IN SUBSECTION (A) OF THIS SECTION, THE PROCEEDS FROM BONDS ISSUED BY CHARLES COUNTY MAY BE USED IN THE WALDORF URBAN REDEVELOPMENT CORRIDOR (WURC):

(1) FOR CONVENTION CENTERS, CONFERENCE CENTERS, OR VISITORS' CENTERS;

(2) TO MAINTAIN INFRASTRUCTURE IMPROVEMENTS, CONVENTION CENTERS, CONFERENCE CENTERS, OR VISITORS' CENTERS; AND

(3) TO MARKET DEVELOPMENT DISTRICT FACILITIES AND OTHER IMPROVEMENTS.

12-209.

(a) Subject to subsection (c) of this section, the special fund for the development district, the RISE zone, or the sustainable community may be used for any of the following purposes as determined by the governing body of the political subdivision:

- (1) a purpose specified in § 12–207 of this subtitle;
- (2) accumulated to pay debt service on bonds to be issued later;
- (3) payment or reimbursement of debt service, or payments under an agreement described in subsection (b) of this section, that the political subdivision is obliged under a general or limited obligation to pay, or has paid, on or relating to bonds issued by the State, a political subdivision, or the revenue authority of Prince George’s County if the proceeds were used for a purpose specified in § 12–207 of this subtitle; or
- (4) payment to the political subdivision for any other legal purpose.

Article – Local Government

21–503.

- (a) For any purpose stated in § 21–504(a)(1) of this subtitle, a county may:
 - (1) establish a special taxing district;
 - (2) impose ad valorem or special taxes; and
 - (3) issue bonds.

21–504.

- (a) The purpose of the authority granted under this subtitle is to:
 - (1) finance, refinance, or reimburse the cost of establishing, acquiring, designing, constructing, altering, or extending adequate infrastructure improvements as necessary for the development and use of land in any defined geographic region in the county, including storm drainage systems, sewers, water systems, roads, bridges, culverts, tunnels, sidewalks, lighting, parking, parks and recreation facilities, libraries, schools, transit facilities, and solid waste facilities; and
 - (2) provide a source of funding for payment of costs of:
 - (i) infrastructure improvements located in or supporting a transit-oriented development or a State hospital redevelopment; and
 - (ii) operating and maintaining infrastructure improvements located in or supporting a transit-oriented development or a State hospital redevelopment.

21–521.

(a) Charles County may exercise the authority granted under this subtitle to provide financing, refinancing, or reimbursement of costs for the purposes under § 21-504(a) of this subtitle relating to the development of resort hotels and conference centers in a waterfront planned community.

(b) (1) In addition to imposing ad valorem or special taxes under this subtitle, Charles County may impose a hotel rental tax in a special taxing district to provide financing, refinancing, or reimbursement of costs for the purposes under § 21-504(a) of this subtitle relating to the development of resort hotels and conference centers in a waterfront planned community.

(2) The taxes provided under this subtitle for payment of bonds and pledged to the special fund may include the hotel rental tax authorized under this subsection.

(3) The hotel rental tax authorized under this subsection is in addition to the hotel rental tax authorized under Title 20, Subtitle 4 of this article.

(4) The rate of the hotel rental tax authorized under this subsection may not exceed the rate of the hotel rental tax imposed under Title 20, Subtitle 4 of this article in effect on the day the governing body of Charles County establishes a special taxing district under this subtitle.

(5) The proceeds from the hotel rental tax authorized under this subsection may be used only for the purposes authorized under this subtitle.

(6) Charles County may not impose the hotel rental tax authorized under this subsection outside a special taxing district established under this subtitle.

(C) (1) CHARLES COUNTY MAY EXERCISE THE AUTHORITY GRANTED UNDER THIS SUBTITLE TO PROVIDE FINANCING, REFINANCING, OR REIMBURSEMENT FOR THE COST OF:

~~(1)~~ **(I) CONVENTION CENTERS, CONFERENCE CENTERS, AND VISITORS' CENTERS;**

~~(2)~~ **(II) MAINTAINING INFRASTRUCTURE IMPROVEMENTS, CONVENTION CENTERS, CONFERENCE CENTERS, AND VISITORS' CENTERS; AND**

~~(3)~~ **(III) MARKETING SPECIAL TAXING DISTRICT FACILITIES AND OTHER IMPROVEMENTS.**

(2) ANY FINANCING, REFINANCING, OR REIMBURSEMENT PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE CONTINGENT ON THE

REVIEW AND APPROVAL OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLES COUNTY.

(3) IN EXERCISING ITS AUTHORITY UNDER PARAGRAPH (1) OF THIS SUBSECTION, CHARLES COUNTY MAY ESTABLISH MINORITY BUSINESS ENTERPRISE PARTICIPATION GOALS FOR EACH DEVELOPMENT PROJECT WHOLLY OR PARTLY FINANCED THROUGH BONDS ISSUED UNDER THIS SUBSECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.